

## REMARKS

### A. Status of the Application

- Claims **65-67, 71-74** and **98-111** are pending in the application, of which claims **65, 98** and **105** are independent claims.
- Claims **65-67** and **71-74** are amended.
- Claims **1-64, 68-70** and **75-97** are cancelled.
- Claims **98-111** are newly added. No new matter has been introduced.

Applicants intend to pursue the subject matter of the previously cancelled claims, in one or more continuing applications.

Entry of the amendments is respectfully requested. Applicants have amended the claims to recite particular embodiments that Applicants, in their business judgment, have determined to be commercially desirable at this time. The claim amendments have not been submitted for any reasons relating to patentability.

In the Office Action, the Examiner rejected all of the pending claims. Applicant respectfully contends that the rejection of these claims on all grounds presented by the Examiner contain clear legal and factual deficiencies.

### B. Reopening of Prosecution

By this paper, Applicants reopen prosecution and reply to the Final Action of November 21, 2008, and respectfully request reconsideration of the application.

Applicants intend that the claims as now pending be interpreted under the ordinary interpretation understood in the art. Applicants hereby rescind, and no longer intend

that the claims be limited by, any assertion, statement, argument, amendment or other action in this patent application, or any application whose file history is available for use in interpreting any patent issuing on this application, that might be taken to be a surrender or disclaimer of any subject matter from the scope of any claim. No such assertion, statement, argument, amendment or any other action in this application or in any such available application should be taken as a surrender or disclaimer from, and may not be used to interpret, any claim of this patent, or any claim of any patent to which such Applicants' file histories may be pertinent.

Applicants hereby request that the Examiner re-visit any previous surrender, disclaimer or characterization of claims, and re-visit any prior art that may have been avoided or intended to be avoided by such surrender, disclaimer or characterization. In addition, a new search is requested.

**C. Rejections Under 35 U.S.C. § 102**

The Office Action rejects claims **65-74** and **88-97** under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2002/004775 ("Kossovsky"). The rejection is moot in light of the claim amendments.

Specifically, the cited portions of Kossovsky neither teach nor suggest the following limitation of independent claims **65, 98** and **105**:

calculating, via the processor, a value of the IP portfolio for each of the plurality of companies by applying a set of criteria to the market data, in which the set of criteria comprises: *(i) determining a quantity of times that the at least one patent is cited by other patents; and (ii) determining a total quantity of patents issued to the company;*

(emphasis added).

At best, figures 18A-D of Kossovsky depicts loading pages in which a seller can store basic and legal information bout an IP asset. However, nowhere on these loading

pages is there a description for calculating the value of an IP portfolio based on the “*quantity of times that the at least one patent is cited by other patents*,” or the “*total quantity of patents issued to [a] company*.”

For at least this reason, no *prima facie* case of anticipation has been established for independent claims **65, 98** and **105**. Thus, claims **65, 98** and **105** (and the claims that depend therefrom) are allowable over the prior art.

#### **D. General Comments on Dependent Claims**

Each dependent claim is patentable for at least the same reasons as the independent claim on which it depends. Thus, Applicants believe that it is unnecessary at this time to argue the allowability of each dependent claim individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

#### **E. Conclusion**

In general, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as a concession of any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at (857) 413-2056.

Respectfully submitted,

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